

### **REMARKS**

#### **Claim Rejections – 35 U.S.C § 112**

Claims 1, 3, 4, and 9 were rejected under 35 U.S.C §112 ¶2 as being indefinite. It should be understood that the phrase “consisting” as the transition phrase from the preamble to the body of the claim, indicating that only the listed elements in the body form the limitations of the claim, while the use of the phrase “comprising” referred only to the term “elongated body” as stated. However, Claims 1, and 9 have been amended to remove “comprising” and to clarify the scope of the claims. Removal of the rejection is respectfully requested.

#### **Claim Rejections – 35 U.S.C. § 102**

Claims 1, 4, 5, and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hickok, U.S. Pat. Appl. Serial No. 2002/0072035 (Hickok). Claim 1 has been amended to state that the proximal end is a “press-fitting” proximal end. Support for this amendment can be found in the specification at page 9, lines 25-27 and in Figures 8-11. Hickok does not provide such an arrangement, but rather a threaded design. Furthermore, Hickok would not be adapted to replace the threaded arrangement with a press-fitting arrangement, since the purpose of Hickok is to provide a connection that would effectively transfer ultrasonic energy, i.e. vibrational energy, to the dental tip. An arrangement as presently claimed would not insure that Hickok would be properly operable, and Hickok would not be modified to arrive at the invention of claim 1.

Claim 5 has been amended to recite the elongated body as being plastic. As discussed in the background of the invention, Hickok is directed towards a device for use with an ultrasonic energy, which transmits heat along with the energy. *See* page 1, line 24 – page 2, line 9. Hickok does not disclose the adapter as being plastic, and it would necessarily not be plastic, as such a plastic adapter would be contrary to the requirement that the adapter be capable of withstanding the transfer of heat from an ultrasonic device.

Claim 9 has been amended to recite that the distal end of the elongated body forms a female LUER-LOK® style fitting. Support for the arrangement is shown in at least Figures 3 and 4 of the drawings. The arrangement is not shown in Hickok, nor would Hickok be modified to arrive at such an arrangement, as it would not be operable with the ultrasonic dental tool 110 that Hickok is specifically designed for interaction and mating.

Accordingly, the amendments to the recited claims believes to have distinguished the present invention from the cited references, as well as the prior art, in general. Removal of the rejections is respectfully requested.


**Claim Rejections – 35 U.S.C. § 103(a)**

Claim 3 was rejected under 35 U.S.C. §103(as) as being obviated over Hickok in view of Feine, U.S. Pat. No. 6,164,968. As stated above, Hickok is directed towards a device for use with an ultrasonic energy, which transmits heat along with the energy. *See* page 1, line 24 – page 2, line 9. Hickok does not disclose the adapter as being plastic, and it would necessarily not be comprised of a plastic material, as such a plastic adapter would be contrary to the requirement that the adapter be capable of withstanding the transfer of heat from an ultrasonic device. Replacing Hickok with a plastic material could result into a device that would melt upon the transfer of ultrasonic energy, as is intended for the device in Hickok. It would not be obvious to modify Hickok as suggested, as such a modification would prevent Hickok from being used for its intended purpose, and is contrary to the principle a modification should not render the prior art invention unsatisfactory for its intended purpose. See, MPEP § 2143.01(V). Modifying Hickok to be a plastic device would render it unsatisfactory for its intended purpose for delivering ultrasonic energy, and claim 3 is not obvious over Hickok in view of Feine. Removal of the rejection is respectfully requested.

**Conclusion**

Claims 1, 3-5 and 9 remain in the application. It is believed that the amendments to the claims overcome the Examiner's rejections, and allowance is respectfully requested.

Respectfully Submitted,

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